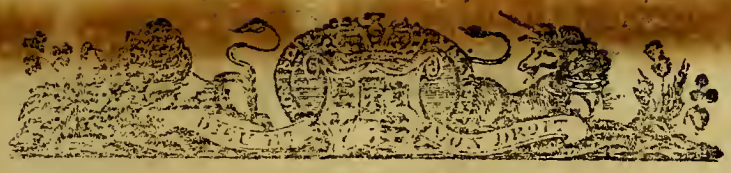
To William Smith Esquire M.P.
&c. &c. &c.
with Lieut. Governor Beard's
Compliments



AN

ORDINANCE

FOR

PROMOTING THE RELIGIOUS INSTRUCTION

AND

Bettering the State and Condition

OF THE

SLAVE POPULATION,

IN

HIS MAJESTY'S COLONY

ON

BERBICE.

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PUBLICATION.

BY His Excellency HENRY BEARD, Esquire, Lieutenant Governor and Commander-in-Chief in and over the Colony of Berbice and its Dependencies, &c. &c. &c.; President of all Courts and Colleges within the same, Sole Judge of the Vice Admiralty Court, &c. &c. &c.

And the Honorable the Council of Government of the said Colony.

TO ALL TO WHOM THESE PRESENTS SHALL OR MAY COME, GREETING! BE IT KNOWN:

WHEREAS it is necessary and expedient that further provision should be made for the religious instruction of the Slaves in this Colony, and the improvement of their state and condition:—And whereas His Majesty has been pleased to appoint a Protector of Slaves in this Colony, and it is expedient that the said office should be fully established and due provision made for such Protector, and that the authority and several duties of said Protector be clearly and distinctly defined—

1. Be it therefore, as it is hereby, Ordered, that such Protector of Slaves shall receive and be paid, at the times and in the manner hereinafter mentioned, a salary, at and after the rate of Fourteen Thousand Two Hundred and Fifty Guilders per annum, out of the ordinary revenues of the colony, subject however to the confirmation thereof by, or such alteration therein, as His Majesty may be pleased to direct.—And that such Protector of Slaves, entering on such office, shall appear before the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, of this colony, and in his presence shall take and subscribe an oath in the following words:—

> *"I, A. B. do swear that I will, to the best of my knowledge and ability;*
> *"faithfully execute and perform the Duties of the Office of Protector of Slaves*
> *"in the Colony of Berbice, without fear, favour, or partiality—So help me,*
> *"God!"*

2 And it is hereby further ordered, that the said Protector of Slaves shall establish and keep an Office in New Amsterdam, and shall regularly attend at such office on such days, and during such hours of the day, as the Lieutenant Governor, or Acting Lieutenant Governor, of this colony, by any general or special order to be by him from time to time issued, may appoint: and shall, at such office, and not elsewhere, keep, deposit, and preserve, the several records, books, papers, and writings, hereinafter directed to be kept by him.

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3. And it is further ordered, that the said Protector of Slaves shall not be the owner or proprietor of any plantation situate within this colony, or of any slave or slaves employed or worked upon any plantation or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, slave, or slaves; and shall, and is hereby declared to be, incompetent to act as or be the manager, overseer, agent, or attorney of, for, or upon any plantation or estate within this colony; or to act as the guardian, trustee, or executor, of any person or persons having or being entitled to any such plantation, or any slave or slaves: and in case any such Protector of Slaves within this colony shall have, acquire, hold, or possess, either in his own right or in the right of his wife, or in trust for any other person or persons, any plantation situate within this colony, or any slave or slaves employed or worked upon any plantation, or in any kind of agriculture, or in any share or interest in, or mortgage or security upon, any such plantation, or slave or slaves; or shall act as manager, overseer, agent, attorney, guardian, trustee, or executor, as aforesaid, he shall thenceforth, *de facto*, cease to be such Protector of Slaves, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office Provided, nevertheless, that all acts which may be done by, or by order of any such Protector of Slaves, after such avoidance as aforesaid of such his office, and before the same shall, by public notice in the Gazette of this colony, be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4. And it is further ordered, that the said Protector of Slaves shall be resident within this colony, and shall not quit the same without a special licence to be granted for that purpose by His Majesty through one of his Principal Secretaries of State, or by the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, of this colony, and no such licence shall in any case be granted by the Lieutenant Governor, or Acting Lieutenant Governor, for any time exceeding three months, nor shall any such licence be granted by any such Lieutenant Governor, or Acting Lieutenant Governor, as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said Protector of Slaves.

5. And it is further ordered, that upon the death or resignation of the said Protector of Slaves, or in the event of his sickness or other bodily or mental incapacity, or during his temporary absence from this colony, it shall be lawful for the Lieutenant Governor, or Acting Lieutenant Governor, to nominate and appoint some other fit and proper person to act as Protector or as the deputy for the said Protector of Slaves (as the case may be), until His Majesty's pleasure shall be known, and the said Deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector of Slaves, as the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, of this colony, shall be pleased to appoint. Provided always that the person to be appointed as Deputy Protector, shall, if in all other respects qualified for the office, be selected from those who are neither proprietors of slaves nor have any interest in slave property; unless it be impossible to find a proper person not possessed of such property and willing to undertake the trust, and competent to the efficient and faithful execution of it, whereby it may become absolutely necessary to appoint one interested in slave property, in which case it shall be the duty of the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, to transmit to His Majesty's Secretary of State, a statement of the peculiar circumstances justifying the departure from the general law. Provided that the Protector of Slaves in this colony shall at all times perform his duty in person, and not by deputy, except only in cases in which the Lieutenant Governor, or Acting Lieutenant Governor, of this colony, is hereinbefore authorised to appoint a deputy for that purpose.

6. And it is hereby further ordered, that the said Protector, or Deputy Protector of Slaves (as the case may be), shall have power to administer an oath in all matters relating to the duties of his office, and all such authority of what nature or kind soever as is now or hereafter may be by law vested, as regards the slave population, in the Civil Magistrates of the several districts of this colony, for the maintenance of the public peace and good order, shall be, and the same is hereby, vested in the said Protector or Deputy Protector of Slaves (as the case may be), to be by him exercised throughout each and every district of this colony.

7. And it is hereby further ordered, that the said Civil Magistrates of the several districts within this colony shall be, and they are hereby, declared to be Assistant Protectors

of Slaves in their several and respective districts; and the said respective Civil Magistrates shall, and are hereby required, in their several and respective districts, to be aiding and assisting the Protector of Slaves, or the Deputy Protector (as the case may be), in the execution of the power hereby committed to him; and for that purpose to obey and carry into execution, such lawful instructions as they may from time to time receive from him, about or in relation to the matters hereinmentioned, or any of them.

8. And it is hereby further ordered, for the purpose of securing the impartial execution of justice in all cases in which slaves may be parties concerned, that, whenever it may become the duty of the Fiscal to institute a criminal prosecution against a slave, (which prosecution is always to be carried on as heretofore in the same manner as against every person of free condition,) it shall be his duty when applying to the Court of Criminal Justice, or in non-session, to the President of said Court, for authorisation to institute such criminal action, suit and prosecution, to demand at the same time the appointment of one or more advocates, (according to the nature of the charge,) to defend such slave in the suit to be commenced against him, when it shall be the duty of the said Court of Criminal Justice, or the President thereof, to whom the application is made, to appoint such advocate or advocates without any delay; provided always that such advocate shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the criminal law and the practice thereof as it is established in the colony if the party accused and under trial were a person of free condition. And in order to secure the zealous and active exertion, on the part of such advocates, in the defence of such slave or slaves, they shall be entitled to such fees as shall have been taxed and certified by the Court of Criminal Justice as due to them, the amount whereof shall be ordered by the Lieutenant-Governor, or Acting Lieutenant-Governor, in Council of Government, to be paid to them out of the colonial chest, on proper application being made for the same. And in case, on the complaint of any slave or slaves, it shall appear to the President of the Court of Criminal Justice of this colony, that the offence charged therein should be prosecuted, it shall and may be lawful, and the said President is hereby fully empowered, to direct the prosecution thereof in manner as is by law established —And in all civil suits concerning the right of any alleged slave to freedom, or where any question shall arise respecting the right of any slave to any such property as he or she is hereinafter declared competent to acquire, then, and in every such case, such notice shall be given to the Protector or Deputy Protector of Slaves (as the case may be), of every such action, suit, or prosecution, as, according to the law of this colony, would be given to the said slave if he or she were of free condition. And in case the Protector or Deputy Protector of Slaves (as the case may be) in this colony, on the application of any slave or Slaves desirous to bring, maintain, and prosecute, any suit or action in any Court of Justice in this colony, for or in respect of any such claim to freedom, or right of property, which he, she, or they is, or are hereafter declared competent to acquire, should consider that the said slave or slaves has or have good, just, and legal grounds of suit or action in respect thereof, then, and in every such case, it shall and may be lawful for, and he the said Protector or Deputy Protector of Slaves (as the case may be), is hereby fully empowered to commence and prosecute such suit or action, in behalf of such Slave or Slaves, in manner and form as prescribed by law with respect to persons of free condition. And the Protector or Deputy Protector of Slaves (as the case may be) may, if he see fit, attend the trial or hearing, and all other proceedings in every such suit or action as the Protector, or Deputy Protector (as the case may be) of such Slave or Slaves, and on his, her, or their behalf, to act therein in such manner as may be most conducive to the benefit and advantage of any such slave or slaves.

9. And it is hereby further ordered, that if any person or persons within this colony shall work or employ any slave at any time between sun-set on any Saturday and sun-rise on Monday next following, or shall during that period procure, induce, or compel any Slave to perform or engage in any labour for the profit or advantage of his or her owner, manager, or employer, or of any other person or persons, the person or persons so offending shall incur and become liable to a fine of *six hundred guilders* for every such offence: Provided, nevertheless, that the exemption from labour which is thus secured to the Slaves during the period before mentioned, shall not authorise them to leave the estates to which they belong without having previously obtained permission from their owner, manager, employer, or other person having charge of them; but that they shall during that period, continue to remain subject to such regulations as are established by law, as well for their own protection as for the preservation of good order and the general tranquillity of the colony.—Provided also, that no-

thing herein contained shall extend, or be construed to extend, to prevent the weekly allowance and rations being delivered to the Slaves on Sunday morning—which shall not, however, be protracted beyond the hour of eight, A M.—Provided also, that nothing herein contained shall extend, or be construed to extend, to any work or labour which, from local circumstances or other unavoidable causes render certain exceptions necessary, which are confined to the following:—

FIRST—*All labour performed by a Slave in the domestic service of his or her master or mistress, or in the preservation or tending of cattle or any live stock on any plantation.*

SECONDLY—*Labour performed by nurses in hospitals, by watchmen, and by persons engaged in the interment of the dead.*

THIRDLY—*Such labour as may be necessary to prevent or remedy the damage arising from breaches in the dams, conflagrations, hurricanes, and other casualties of the like nature.*

FOURTHLY—*Every other description of labour which, though not specified in terms in the three preceding exceptions, is of the same general nature, and referable to the same general principle.*

FIFTHLY—*All labour undertaken for the preservation of the crops upon any estate, under the following provisions:—*

A—That in order to avoid all ambiguity in explaining the term "*preservation of the crops*," it is to be well understood that, on SUGAR ESTATES, it shall mean nothing more then boiling off the cane-juice that may have been expressed at the time of sun-set on any Saturday (the boiling, however, in no case to extend beyond the hour of ten o'clock of the night of said Saturday), and the potting the sugar so made. That, on COFFEE and COTTON ESTATES, it shall mean, 1st, the turning and drying of coffee or cotton already housed and in a state of preparation, but not cured; 2d, the picking of coffee or cotton during the crop, when, from its ripening suddenly and from the unfavourable season, it would be totally lost if not immediately picked.

B—And it is hereby strictly provided, that the several descriptions of exigible labour above enumerated (save and except the boiling of cane-juice on the Saturday night) are to be only performed for wages to be paid to the Slave, him or herself in the currency of the colony, and not by any parts or portions of the produce of the crops which may accrue to the proprietor from such labour.

C—That the rate of these wages is to be fixed by the Protector or Deputy Protector of Slaves (as the case may be), subject to the approbation of the Lieutenant-Governor, or Acting Lieutenant-Governor, in Council. And the said Protector, or Deputy Protector of Slaves (as the case may be), shall from time to time, by notices publicly given, signify the approved tariff, or rate of wages, payable to the Slaves for such labour.

D—That any person or persons being the owner or manager of such slave or slaves as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages, at not less than the rate so to be fixed, by any public notice of the Protector or Deputy Protector of Slaves (as the case may be), in manner and under the authority aforesaid, shall, for every such offence and refusal to pay every such slave or slaves their respective wages for such labour, incur and become liable to a fine of *fifty guilders* for every slave so omitted or neglected to be paid wages as aforesaid. to whom

10. And in order to prevent any irregularities tending to the prejudice of the slaves, by persons employing the slaves of others without their owners' consent, which it is highly necessary to guard against—it is hereby further ordered, that no slaves shall or may be lawfully hired or employed in the service of any person or persons, except his, her, or their owner, manager, or other person having the charge of them, unless with the special consent in writing of such owner, or manager, or other person having the charge of them; and every person thus unlawfully hiring or employing one or any greater number of slaves, shall, for every such offence, incur and be liable to a fine of *six hundred guilders*, or in case of non-payment thereof, to imprisonment not exceeding one calendar month.

11. And whereas His Majesty has been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the Slaves in this colony; and whereas it is in contemplation to abolish totally the usage now existing of holding markets on Sundays, as soon as the necessary measures shall have taken effect which are designed to remove

the causes of its temporary expediency; and it being in the meantime necessary to make some provision on this subject—it is hereby further ordered, that from and after the *first day of November next ensuing the date hereof*, the markets holden in New-Amsterdam for the sale of meat, vegetables, and other provisions, on Sundays, and all other markets to be holden on the Sabbath day throughout this colony, shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given by the ringing of a bell at half-past ten o'clock to all persons to prepare to depart, and no person or persons whatsoever shall remain therein or publicly shew forth, or expose for sale, any meat, poultry, vegetables, provisions, fruit, herbs, wares, merchandize, goods, or effects, after the hour of eleven o'clock aforesaid, upon pain that every person guilty of a disobedience of this order, or non-conformity therewith, shall forfeit the goods or effects so exposed to sale, the proceeds whereof shall be paid into the Poor's Fund.

12. And it is hereby further ordered, that from and after the first day of November next ensuing the date of these Presents, it shall be illegal for any person or persons within this colony to carry a whip, or any other instrument of punishment, in the field or elsewhere, either as a badge of authority or a stimulus to labour; and every person acting against the true meaning hereof, or directing or authorising such illegal act, shall, for every such offence, incur a penalty of *six hundred guilders*, or in default of payment thereof, be subjected to imprisonment for any time not exceeding six months, nor less than one month.

13. And it is hereby further ordered, that if a Male Slave shall commit an offence of such a nature as to render it absolutely necessary that he be punished, such punishment must be inflicted with reason, and without cruelty or passion: the punishment to be enforced by and on behalf of the proprietor, shall not exceed at the utmost twenty-five lashes, nor shall it be lawful to inflict on any Male Slave any corporal punishment until after sun-rise of the day next following that on which the offence has been committed, for or in respect of which any such punishment or correction may be so inflicted, or without the presence of one person of free condition, or of six slaves, to witness the infliction of such punishment, other than and besides the person by, or by the authority of whom, the said punishment shall be inflicted, under the penalty of *nine hundred guilders*, or in case of non-payment, to imprisonment not exceeding three calendar months; but in case six slaves are substituted as witnesses for one person of free condition, it shall be incumbent on the person or persons ordering the punishment, to prove, if required so to do, that it was not in his or her power to procure the attendance, within twenty-four hours, of a person of free condition, to witness the said punishment. No punishment by flogging shall be inflicted but at or near the buildings of the estate, nor shall it be repeated on the same day, nor until the delinquent shall have fully recovered from the effects of any former punishment: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend to any punishment which may be inflicted on any slave under or by virtue of any sentence or judgment of any Court of competent jurisdiction within this colony, or in pursuance of any order of the Fiscal.

14. And it is hereby further ordered, that from and after the first day of November next, it shall not be lawful to correct or punish by flogging or whipping any female slave within this colony, for any offence committed, or alleged to be committed by any such slave and any person convicted of having inflicted such punishment, or having ordered or authorised the same to be done, shall for every such offence be subject to a fine of *fourteen hundred guilders*, or in case of non-payment thereof, to imprisonment, not exceeding six calendar months, nor less than one month. And whereas it is necessary that effectual measures should be adopted for punishing such offences as may hereafter be committed by female slaves within this colony, it is therefore further ordered, that from and after the said first day of November next, the following punishments for the suppression of such offences as may thereafter be committed by female slaves within this colony, which by the laws in force were heretofore punishable by flogging, shall be, and are hereby declared to be lawful:—

SOLITARY CONFINEMENT—*with or without work, in any fit and proper place, on any estate, or in any place in this colony, provided that such place be approved by some duly licensed medical practitioner in this colony, by certificate in writing under his hand—such certificate to be duly entered in the Record Book on every plantation, if in the country; and if in town, by some duly licensed medical practitioner and the fiscal, and to be duly recorded in the office of the said fiscal; and provided that, for each offence, the period of detention in such solitary confinement, shall not at any time exceed three days.*

PUBLIC STOCKS—*for the confinement of hands or feet, or both, during the day, not longer than three*

hours for each offence, such stocks to be under cover in some conspicuous place near the buildings, and that such punishment shall only be inflicted between the hours of sun-rise and sun-set.

HOUSE STOCKS—*for the hands and feet, or either of them, with seats, during any period of the day, provided that for each offence, the period of confinement shall not exceed six hours.*

BED STOCKS—*for confinement of the feet during the night.*

HAND CUFFS.

DISTINGUISHING DRESSES—*to be used either with or without the stocks.*

DISTINGUISHING MARKS—*to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, very light so as not to injure the skin, and to be of a form approved by the Fiscal and confirmed by the Lieutenant Governor, or Acting Lieutenant Governor.*

CONFINEMENT—*either solitary or otherwise, during one of the hours of noon, with or without task-work during such confinement: provided always, and it is hereby ordered that in all cases of punishment either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the slave in confinement shall be supplied with a sufficient quantity of food, that is to say, three quarters of a pound of plantains or other prepared farinaceous food, at least twice a day, between sun-rise and sun-set, as also a proper supply of good water.*

And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner, manager, or other person having charge of slaves, to impose any or either of the foregoing punishments upon any male slave or slaves, for any offences to be hereafter committed by such male slave or slaves, in lieu of the punishment by flogging, it shall be lawful for such owner, manager, or other person as aforesaid, so to do, complying in all respects with the provisions aforesaid:—Provided, however, that nothing herein contained shall extend, or be construed to extend, to prevent any master or mistress, owner, manager, or other person having charge of any female slave under the age of twelve years, from causing her to be punished and corrected for any fault or misconduct, by her committed in such and the same manner, and to such and the same extent, as any child of free condition may be and usually is punished and corrected in any school for the education of youth in this colony—being mindful that in all cases such punishment shall be inflicted by a female, and any indecent exposure of the person avoided. And it is hereby further ordered, that if any offence shall be hereafter committed by any male or female slave in this colony, of such nature and to such extent as (in the opinion of his or her owner, or of any person under whose charge such slave may be placed), may require or deserve greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall in writing give information in such case to one of the Civil Magistrates of the district in which such person or persons may reside, whose duty it shall be, after a minute and full investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, by an extension of some one or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the colony.

15. And it is hereby further ordered, that there shall be kept by every person having charge of a task or working gang of slaves exceeding six in number, and upon every estate throughout the colony, a book to be called "PUNISHMENT RECORD BOOK," and that it shall be the duty of the owner, proprietor, manager, or other person having the direction thereof, to enter and record in the said book, at, or within forty-eight hours after the time of the infliction of any punishment whatsoever, on any female slave, or on any male slave, a statement of the nature of the offence, and the time and place at which each punishment shall have been inflicted, together with the names of the persons by whom and by whose authority each punishment has been inflicted; and in case of the corporal punishment of any male slave, the names of the free person or persons, or the six slaves present and attending at the infliction of every such punishment, and of the number of stripes actually inflicted on the offender; and if any owner, proprietor, manager, or other person having the direction of any estate or task or working gang of slaves exceeding six in number within this colony, shall neglect or omit to make in the said Punishment Record Book, any entry which, according to the provisions of this present Order, ought to be made therein, or shall not make such entry within forty-eight hours next after the infliction of every and each punishment to which the same may refer—the person or persons so offending shall incur and become liable to a penalty of *three hundred guilders*. And if any person or persons shall wilfully or fraudulently make or cause to be made, any false entry or fraudulent erasure in any such Punishment Record Book, or shall wilfully or fraudulently burn, destroy, cancel, deface, obliterate or falsify the same, or any part or parts thereof, the person or persons so offending shall for every such offence incur and become liable to a penalty of *three hundred guilders*,

or in case of non-payment thereof, to imprisonment not exceeding three months—Such Punishment Record Book to be kept in manner and form following :—

Punishment Record Book of *number of* *Slaves.* *belonging to* *situate in* *and having a*

Date of Entry.	Name of Slave.	Nature of Offence.	Time and Place of Punishment.	By whose Authority.	By whom Inflicted.	Witnesses.	Nature and Extent of Punishment, if a Female.	Extent of Punishment if a Male

16. And it is hereby further ordered, that every person having charge of a task or working gang of slaves exceeding six in number, and every owner, proprietor, manager, or other person having the direction of each and every plantation or estate within this colony, shall on some day between the first and fifteenth day of the month of January, and the first and fifteenth day of the month of July, in each year, repair to the Civil Magistrate, acting in his capacity of Assistant Protector of Slaves, for the time being, of the district in which such plantation or estate may be situate, or in which such owner, proprietor, manager, or other person as aforesaid, may be then resident, and then and there produce before such Civil Magistrate as aforesaid a precise and exact transcript of every entry, which, during the period next preceding the first day of the month of January, and the first day of the month of July, respectively, may have been made in such Punishment Record Book of his or her task or working gang, plantation or estate, and shall also take and subscribe an oath, to be annexed to the said transcript, in the following words :—

" I, A B. the owner or manager of the plantation, task or working gang (as the case may be) called in the district of in the colony of Berbice, do make Oath and say, that the paper-writing hereunto annexed, contains a true and exact copy of every Entry which, since the day of last, hath been made in the PUNISHMENT RECORD BOOK *of the beforementioned plantation, task or working gang. And I do further swear, that the said* PUNISHMENT RECORD BOOK *hath been punctually and accurately kept since the day of in the manner by law required; and that no fraudulent erasure or false entry hath been made therein by me or by any person by my procurement, or with my knowledge or consent—So help me, God!"*

And in case any such owner, or manager, or other person as aforesaid, shall not, since the time of making his last-preceding return to the said Civil Magistrate of the district, have inflicted or caused to be inflicted, any punishment upon any female slave, or any punishment upon any male slave, then and in every such case, in lieu of the oath aforesaid, such owner, manager or other person as aforesaid, shall at the several times aforesaid, take and subscribe before the Civil Magistrate of the district in which such plantation may be situate, or task or working gang be then employed, an Oath in the following words (that is to say.)—

" I, A. B. do swear that since the day of now last past, no punishment hath been inflicted by me or by my order or with my knowledge, upon any female slave belonging or attached to the task or working gang, or to the plantation called situate in the district of whereof I am manager (as the case may be); and that no punishment hath since the said day of been inflicted on any male slave belonging or attached to the said task or working gang or plantation. And I do further swear that no entry of any punishment hath since the said day of. been made in the Punishment Record book of the said gang or plantation by me or with my knowledge or consent—So help me God!

And any person or persons as aforesaid, refusing or neglecting to make any such return or to take and subscribe the oath required by this present Act, shall for every offence incur and become liable to a fine of *three hundred guilders*. And the Civil Magistrates as such Assistant Protectors of Slaves as aforesaid are hereby authorised and empowered to administer the said oaths accordingly.

17. And it is hereby further ordered that the Assistant Protector of Slaves of each district in the colony, shall transmit to the Protector or Deputy Protector of Slaves (as the case may be), at his office in New Amsterdam, within the months of February and August in each year, the whole of the returns so made to him, together with the original affidavits thereunto annexed. And in case any such Assistant Protector of Slaves shall himself be the owner or manager of any estate, or gang of negroes exceeding six in number, he shall, together with the said returns, transmit to the said Protector or Deputy Protector of Slaves (as the case may be) a transcript of the entries in his own Punishment Record Book for the last six months, together with an affidavit to be by him sworn before the Protector or Deputy Protector of Slaves (as the case may be) or some other Assistant Protector of Slaves, in the manner and form, and under the penalty prescribed by the foregoing article.

18. And it is hereby further ordered, that the said Protector or Deputy Protector of Slaves (as the case may be) shall enter and record in one book or set of books duly paged and indexed, to be by him kept for that purpose, the whole of the returns so made to him, and shall keep and preserve in his office the originals of the said returns and affidavits.

19. And be it further ordered, that any persons, being in a state of slavery, and being the property of the same owner, who may be desirous to intermarry, shall at their election, apply

either to the Protector or Deputy Protector of Slaves (as the case may be) or the Assistant Protector of Slaves of the district in which they may reside, for a marriage licence; and, as an authority to him to grant the same, shall produce the consent in writing of the owner of such slaves, or his or her representative to the celebration thereof; but in case such owner or his or her representative shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case the said Protector or Deputy Protector of Slaves, or Assistant Protector of Slaves (as the case may be), shall thereupon issue a summons under his hand, requiring such owner or his or her representative to appear before him, by himself or herself, or his or her agent, at some convenient time and place to be for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid shall be received by such Protector or Deputy Protector of Slaves (as the case may be) or Assistant Protector of Slaves as aforesaid; and if such owner or representative as aforesaid, being duly cited, shall fail to appear by himself or herself, or his or her agent, before the said Protector or Deputy Protector of Slaves (as the case may be) or Assistant Protector of Slaves, or appearing shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well-being of the said slaves, then and in every such case the said Protector or Deputy Protector of Slaves (as the case may be,) or Assistant Protector of Slaves, shall without fee or reward issue a licence under his hand, thereby authorising any Clergyman of the Established Church of England and Ireland, or any Minister of the Dutch Reformed Church, or Lutheran Church, or of the Kirk of Scotland, or any Priest or Curate professing the Roman Catholic Religion, or any Licensed Teacher of Religion within this colony, carrying on no other profession, business, or occupation of profit save and except the occupation of a School Master, to solemnize the marriage of the said slaves; and such marriage when so solemnized, shall be held and considered binding, valid and effectual in law:— Provided, nevertheless, that such marriages shall not confer on the parties or their issue any rights inconsistent with the duties which slaves owe to their owners, or to the Government, or at variance with those rights which the owners or the Government are by law entitled to assert over the slaves and their progeny, or subject such slaves so intermarrying to any penal infliction, the effects of which might destroy the rights or injure the property of their owners.

20. And it shall and may be lawful for any Clergyman of the Established Church of England and Ireland, or any Minister of the Dutch Reformed Church, or Lutheran Church, or of the Kirk of Scotland, or for any Priest or Curate of the Roman Catholic Religion, or any Licensed Teacher of Religion, upon receiving the permission in writing of the owner or owners, (or their attornies,) of any such slaves wishing to intermarry, or the License of such Protector or Deputy Protector (as the case may be), or Assistant Protector of Slaves, to solemnize such marriage, and every person by whom such marriage may be solemnized shall register in a book to be by him kept for that purpose, every such marriage with the date thereof, and the names, ages, and places of abode of the parties contracting, and the proprietors or estates to whom or which they respectively belong.

21. And it is further ordered, that every female slave who shall have a child while she preserves her fidelity in marriage, or reputed marriage, or is reputed to do so, shall, six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner, or his or her attorney, twelve guilders, and fifteen guilders for every other child she shall thereafter bear and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the directions of this clause, he or she shall incur a penalty of *three hundred guilders* for every such offence. And it is further ordered, that as soon as any female slave shall have six children living, and who have been born during marriage or such cohabitation as aforesaid, with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female slave shall not thereafter oblige such female slave to do any labour in the field, or any other than light work, under a penalty of *three hundred guilders* for every offence.

22. Every planter or proprietor of slaves shall take the necessary precaution that his or her slaves be properly supplied with provisions, and shall therefore be obliged to have provision grounds prepared on the estate and properly planted, calculating one acre for every five negroes, under a penalty of *ninety guilders* for every acre less in provisions than hereby required; allowing, moreover, a reasonable weekly allowance, according to the custom of the colony and as may be best obtained, under a penalty of *one hundred and fifty guilders*

for every slave who may not have been duly provided with his or her allowance; and also shall provide such slave or slaves with proper clothing according to the custom of the colony, under a penalty of *one hundred and fifty guilders* for every slave not duly provided with his or her clothing: provided always, that whenever the provision grounds to be upon an estate, shall be found inadequate to furnish the requisite provisions for the due subsistence of the negroes thereon, then and in such case it shall not be compulsory on such proprietor or his or her representative to cultivate or keep up such provision grounds as aforesaid, but such proprietor, or his or her representative, shall in lieu thereof purchase or otherwise procure such an equivalent supply of provisions as may be proper for their support.

23. And be it further ordered, that the hours for field work of slaves shall be from six o'clock in the morning until six in the evening, and not longer, and that two hours shall be allowed them during that period for rest and meals, under a penalty of *three hundred guilders*.

24. And it is further ordered, that every proprietor of slaves, or his or her attorney, shall employ a legally qualified medical practitioner, duly authorised to practise, by a certificate from the Lieutenant Governor or Acting Lieutenant Governor, to attend their sick slaves, and shall provide such medicines, food, and other necessaries as such medical practitioner shall from time to time reasonably order and direct; and that there shall be on every estate or place where the slaves, other than domestic slaves usually reside, a commodious hospital or sick house, furnished with proper conveniences and attendants for the sick, under a penalty of *six hundred guilders*; and that a book or register shall be kept in every such hospital, in which the names and treatment of all such slaves shall be respectively entered by the medical attendant; and in case any such medical attendant shall omit or refuse to make such entries as aforesaid from time to time, he shall incur a fine of *twenty-two guilders* for each and every such offence.

25. And it is further ordered, that no person shall, under a penalty of *five hundred guilders*, bury or allow to be buried any slave who has died suddenly or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in New Amsterdam, at the office of the Fiscal, or if in the country, until such information be sent to the Civil Magistrate of the district in which such death took place, or if this be impracticable, to some other respectable inhabitant, who shall, with some legally qualified medical practitioner attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the Civil Magistrate of the said district, or if it should happen, as it possibly may in particular cases of death under peculiar, local, or other circumstances, that it is impracticable to obtain either of the certificates abovementioned, then, and in every such case, some other proof equally strong and satisfactory, or the best which the nature and incidents of the case can afford, must be produced to the said Civil Magistrate, in support thereof, the person offering such proof, to verify by oath the circumstances which put it out of his or her power to procure one or other of the certificates as above directed; and in every such case the said Civil Magistrate shall forthwith transmit unto the Fiscal the said certificates and other the proof hereinbefore required.

26. And be it further ordered, that it shall not be lawful, in the execution of any judgment, sentence, decree, or order of the Court of Justice within this colony, to seize and sell in satisfaction thereof, any slave known or asserting to have a husband or wife, or reputed husband or wife, or child under the age of sixteen years, who may be the property of the same person or persons, unless such husband or wife, or reputed husband or wife, or child as aforesaid, shall be sold together, and in one and the same lot, to the same person or persons; and in order to prevent any such separation taking place, it is hereby further ordered, that the Marshal and Sworn Clerk, attending the Marshal when levying Execution, shall in their return, certify that before levying execution on any single slave, they have carefully enquired from the slave, if a male, whether he has a wife or reputed wife, or child under the age of sixteen years, and if a female, whether she has a husband or reputed husband, or child as aforesaid, belonging to the same person or persons; and in case either he or she should declare to have a wife or husband, or reputed wife or husband, or child as aforesaid, the Marshal shall be then bound to levy on them together, provided however, that a slave thus asserting to have a husband or wife, or reputed husband or wife, or child as aforesaid, belonging to the same owner, shall be bound to prove the truth of his or her

assertion, either by the evidence of the owner, manager, or overseer, on the plantation where the execution shall be levied, or by the evidence of the other slaves belonging to the same estate or plantation, or person or persons; and in case the assertion be supported by the evidence of slaves only, but contradicted by that of the owner, manager, or overseer, or all of them, so as to render the case doubtful, or if the Marshal under any circumstances entertain a doubt, it shall then be lawful for him to levy on the single slave given up in execution, and provisionally on the alleged family of the said slave, and it shall then be his duty to make a full report of his proceedings in his return, a copy of which he is to deliver, or cause to be delivered, to the Protector or Deputy Protector of Slaves (as the case may be), who shall with all diligence enquire into the circumstances of the case, and decide thereon with strict impartiality and justice, and whatever decision shall be given by the Protector or Deputy Protector of Slaves thereon, shall be the rule for the Marshal completing the levy and sale; and in case the single slave thus taken in execution shall, when such levy and execution take place, declare not to have a husband or wife, or reputed husband or wife, or child as aforesaid, or shall remain silent on the subject, then and in every such case it shall be lawful for the Marshal to proceed with the sale of the single slave thus taken in execution, and the sale is hereby declared absolutely valid in the law to all intents and purposes whatever; and in order to facilitate such investigation, the proprietor, manager, or other person having charge of such estate as aforesaid, is hereby directed to keep an accurate and complete record of all married or reputed married persons on such estate, and also of the children respectively proceeding therefrom, which shall be forthwith transmitted to the Protector or deputy Protector of Slaves (as the case may be), at his Office in New Amsterdam, whenever required so to be transmitted by such Protector or deputy Protector of Slaves as aforesaid, for the purpose of facilitating such investigation as aforesaid, under a penalty for not duly keeping such record as aforesaid, of the sum of *five hundred guilders* for every such offence, and also under a penalty of *five hundred guilders* for refusing, or omitting to transmit such record as aforesaid, for such purpose aforesaid, to such Protector or deputy Protector of Slaves as aforesaid, whenever required by him so to do.

27. And whereas by the usage of this colony, persons in a state of slavery have hitherto been permitted to acquire, hold and enjoy property free from controul; and it is expedient that the said custom should be recognized, and as far as need be established by law; and that provision should be made for enabling slaves to invest such their property on good security. Be it therefore, and it is hereby ordered and declared, that no person in this colony, being in a state of slavery, shall be, and be deemed, or be taken to be, by or on account of such his or her condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of property, but every such slave shall be, and is hereby declared competent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of lands situate in this colony, money, cattle, implements, or utensils of husbandry, or household furniture, or other effects of such like nature, by him, her, or them honestly and lawfully acquired or held—*save and except fire arms, ammunition, and such colonial produce as is prohibited to be sold or bartered by the existing law*:—provided always that it shall not be lawful for any slave to hold or keep upon the land of his or her owner or that of any proprietor, any stock or animals, unless with the consent of such owner or proprietor; and in case any slave or slaves having such stock, and being warned to remove such stock or animals, should refuse or neglect to remove the same, it shall be lawful for the owner or other person having charge of such plantation or estate, to destroy the same, or cause it to be destroyed by others. And if any white or free person in this colony, shall purchase from any slave any land or article in which such slave shall or may have legally acquired a right of property, and shall refuse to pay for the same, it shall and may be lawful for the owner of such slave, or the Protector or Deputy Protector of Slaves (as the case may be), to have and maintain an action in his or her own name or quality, for the recovery of the price, or the value of the said land or articles so purchased, in like manner as if the same had been purchased from himself or herself, or such Protector or Deputy Protector of Slaves (as the case may be), and the Court in its sentence shall decree for the plaintiff for the use of the slave, if he or she shall be proved to have been so defrauded, and if any owner, in this colony, shall unjustly withhold from any slave under his or her direction any sum of money which shall have been so decreed by the Court to the use of such slave, or shall on any occasion unjustly appropriate to his or her own use any land, money, or property of any kind which such slave shall or may have so lawfully acquired, or shall prevent him or her from disposing of the same, or if any other person whomsoever shall molest or disturb any such slave in the possession or free use and enjoyment of any land, money, or property so lawfully acquired by such slave, such owner or such other person shall

upon conviction thereof, be liable to restore to the said slave the land, money, or property, so unjustly appropriated to his or her own use, and be further liable to fine or imprisonment, or both, at the discretion of the Court: Provided always that nothing hereinbefore contained, shall extend, or be construed to extend, to affect or prejudice the right of property which the proprietor or owner legally has in or to his slave or slaves; and his, her, or their services shall in no manner be alienated, diminished, or deteriorated by the possession of any land or other property as aforesaid, which any such slave or slaves may by virtue hereof legally acquire, but such land or other property so acquired by such slave or slaves as aforesaid, shall alone be considered and remain liable to and for any debt or debts of whatsoever nature or kind, which such slave or slaves may at any time incur for or in respect of any such land or other property as aforesaid, and the person or persons of the said slave or slaves shall be for ever freed and discharged from all liability for or on account of any such debt or debts.

28. And it is hereby further ordered, that a Savings Bank shall be established in this colony for the better preserving the property of any slaves therein, and that interest at the average rate of Government funded security, shall be allowed upon any sum of money which may be deposited in any such Savings Bank, under the condition that the sum or sums is or are to remain for one twelve month, and any slave making any deposit of money in such Savings Bank, shall bequeath the said money to whomsoever he or she may please, in case of his or her death, by a declaration to be lodged in the records of the Bank, which declaration shall be equivalent to a Will; the whole, however, to be subject to such rules and regulations as may be hereafter deemed advisable; such Savings Bank to be under the immediate direction of the Protector or Deputy Protector of Slaves (as the case may be), subject to the general superintendence of the Lieutenant Governor, or Acting Lieutenant Governor, and the Council of Government.

29. And it is hereby further ordered, that no duty, tax, or impost, of any nature or kind whatsoever, and that no fee of office shall hereafter be paid or be payable for or on account, or in respect of the manumission of any slave, or the enrolment, or registration of any deed of manumission; and if any person within this colony, shall hereafter take, demand, or receive any tax, duty, impost, or fee of office, for any such deed of manumission, or the enrolment thereof as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding *one thousand*, nor less than *one hundred guilders*.

30. And it is hereby further ordered, that in case the owner or owners of any slave or slaves shall be desirous to manumit any such slave or slaves, it shall be his or her duty to apply to the Protector or Deputy Protector of Slaves (as the case may be), and give him notice in writing of such intended manumission, and it shall thereupon be the duty of the Protector or Deputy Protector of Slaves (as the case may be), to enquire into the circumstances of such slave or slaves, as to his, her, or their age, mental or bodily infirmity, and if it shall appear to the Protector or Deputy Protector of Slaves (as the case may be), that the slave or slaves proposed to be manumitted, is or are likely to become a burthen on the public, he is then to regulate the amount of the security or of the deposit which is to be given or made by such owner or owners, at whose option it shall be whether he, she, or they prefer to make a deposit in money or give security for the same; and in case of security being given, it shall be the duty of the Protector or Deputy Protector of Slaves (as the case may be) to take care that the same be full and sufficient for the intended purpose; and if a deposit of money be made, such money shall immediately be placed in the hands of the Treasurer of the Poor's Fund, who shall give a receipt for the same to the owner, and be accountable for the same, in like manner as in all other matters relating to his office as Treasurer of the Poor's Fund. And in order to prevent the possibility of any fraud being committed by persons attempting to manumit slaves not bonâ fide their property, or of whom no valid or effectual manumission can be effected by reason of any mortgage, settlement, lease, or other charge upon or interest in such slave being vested in any other person or persons, it is hereby further ordered, that on application as before mentioned being made to the Protector or Deputy Protector of Slaves (as the case may be), he shall give Public Notice thereof in the same manner as has heretofore been done by the Secretary of this colony, for the purpose of enabling any person having, or pretending to have a right to oppose such manumission; and if any such opposition shall be made, the merits thereof are to be tried de plano before the Court of Civil Justice, and the slave whose manumission is thus opposed shall be defended in such action by his or her owner, or the Protector or Deputy Protector of Slaves (as

the case may be), or by both of them, and the decree given by the Court of Civil Justice shall be binding on the parties without any appeal; and in case no opposition be made against such intended manumission, the owner or owners voluntarily effecting such manumission, shall execute a proper deed of manumission, and the same shall in all cases be executed in the presence of the said Protector or Deputy Protector of Slaves (as the case may be), or two proper witnesses, to be by him appointed for that purpose, and being so executed, shall by such Protector or Deputy Protector of Slaves, be enrolled in the Secretary's Office of this colony, within one calendar month next after the date and execution thereof; and in case any such deed shall not be left for enrolment at the said Secretary's Office within the said period of one calendar month, the said Protector or Deputy Protector of Slaves (as the case may be) shall incur and become liable to the payment of a fine of *five hundred guilders*, on proof of the neglect being made to the Lieutenant Governor, or Acting Lieutenant Governor, for the time being; and after the enrolment has taken place, the said original deed of manumission shall be delivered to the said slave, and thereupon such slave shall be, and be deemed, taken, and reputed to be free to all intents and purposes.

31. And it is hereby further ordered, that in case any slave within this colony shall be desirous to purchase the freedom of himself, herself, or of his or her wife, or husband, or child, or brother, or sister, or reputed wife or husband, or child, or brother, or sister, it shall and may be lawful to and for any such slave so to purchase the freedom of himself, or herself, or of any such other person as aforesaid; and if the owner or proprietor of any such slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement, or lease, or other charge upon or interest in such slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such slave; or if the owner, or proprietor, or any other person having an interest in any such slave, shall be a minor, or a married woman, or idiot, or lunatic; or if the real and true owner of any such slave shall be absent from, and have no attorney or representative in this colony, or shall not be known; or if any suit or action shall be depending in any Court of Justice in this colony, wherein the title to the said slave, or the right to his or her services, shall or may be in controversy; or if the owner of any such slave, or his or her attorney or representative, shall demand, as the price of his or her freedom, a greater sum of money than may be the fair and just value thereof, then, and in each and every the cases aforesaid, the President of the Courts of Criminal and Civil Justice of this colony shall, on application to him for that purpose, made by the Protector or Deputy Protector of Slaves (as the case may be), issue a summons under his hand and seal, requiring the owner or manager of such slave, or the person or persons under whose direction such slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be by him, the said President, for that purpose appointed: and notice shall also be published by the said Protector or Deputy Protector of Slaves (as the case may be), in the public Gazette of this colony for the period of one calendar month, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having or claiming to have any title or interest in or to the slave proposed to be manumitted, either in their own right, or as the guardians, attorneys, trustees, or executors, of any other person, shall be required to attend and prefer such claims.

32. And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, the President of the Courts of Criminal and Civil Justice of this colony, in the presence of the Protector or Deputy Protector of Slaves (as the case may be), and also in the presence of the owner, attorney, manager, or other person having the charge of the slave or slaves proposed to be manumitted; or upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid; then, if necessary, in the absence of such owner, attorney, manager, or other person having charge as aforesaid, shall proceed to hear in a summary way what may be alleged by the said Protector or Deputy Protector of Slaves (as the case may be), and by the owner, attorney, manager, or other persons claiming any interest in the slave proposed to be manumitted; and in case the parties, or any of them, shall refuse to effect any such manumission, or if it shall appear to the said President that a valid and effectual manumission of any such slave cannot legally be effected by private contract; or if it shall be made to appear to the said President, that the owner or proprietor of any such slave, or that any person having any charge upon or interest in him or her, is a minor, or a married woman, or idiot, or lunatic, or that the real and true owner of any such slave, or that any person having any charge upon or interest in him or her, is absent from the colony, and has no representative or attorney therein, or is unknown, or cannot be

found, or that any suit or action is depending in any Court of Justice in this colony, wherein the title to the said slave, or the right to his or her services is in controversy; or if it shall appear to the said President that any difference of opinion exists between the Protector or Deputy Protector of Slaves (as the case may be), and the owner or proprietor, or other person having the charge of any such slave respecting his or her price or value; then, and in every such case, the said President shall require the Protector or Deputy Protector of Slaves (as the case may be), and the owner, manager, or person having the direction of any such slave, or interest therein as aforesaid, each to nominate an appraiser of his or her value; and the said President shall himself nominate an umpire between such appraisers; and the said appraisers being first duly sworn before the said President to make a fair and impartial appraisement, not only with reference to the physical strength of the slave proposed to be manumitted, and his or her mental acquirements, but also with reference to the absolute value of such slave to his or her owner, and the loss which such owner would sustain by the loss of the services of such slave, shall within seven days next after such their appointment, make a joint valuation of the slave or slaves proposed to be manumitted, including in such valuation any expenses necessarily attendant on such appraisement, and shall certify such their valuation to the President under their hands and seals. And in case such joint certificate shall not be delivered to the said President within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall within the next seven days, certify his valuation, under his hand and seal, to the said President; and the valuation to be made in manner aforesaid, either by the said joint appraisers, or in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of the Secretary and Registrar of this colony.

33. And it is hereby further ordered, that upon payment to the Secretary and Registrar of this colony of the appraised value of any such slave as aforesaid, after deducting therefrom the expense of the appraisement to be allowed by the said President, the said Secretary and Registrar shall grant to the Protector or Deputy Protector of Slaves (as the case may be), a receipt for the money so to be received by him And such receipt shall be duly enrolled in the office of the said Secretary and Registrar, together with a declaration, under the hand and seal of the said President, that the proceedings required by law for the manumission of the slave, by or on behalf of whom such money was paid, had been duly had before him; and thereupon such slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

34. And it is further ordered, that the money to arise from the manumission of any slave or slaves, by virtue of the proceedings before mentioned, shall be forthwith paid by the said Secretary and Registrar to the owner, manager, or other person having had the charge and direction of any such slave or slaves manumitted as aforesaid, without any deduction or abatement therefrom on any account whatsoever; provided it appear by a certificate, under the hand and seal of the Protector or Deputy Protector of Slaves (as the case may be), that after one month's notice in the Gazette of this colony, as prescribed in Article 31, no person appeared to prefer any claim to or interest in the slave proposed to be manumitted, either in his or her own right, or as the guardian, attorney, trustee, or executor of any other person, pursuant to such notice; otherwise the money to arise as aforesaid, shall and may be laid out and invested, under the authority of the President of the Courts of Criminal and Civil Justice, on the application of any person or persons interested therein, in the purchase of any other slave or slaves; or if no such application shall be made, then such money shall remain in the hands of the Secretary and Registrar of this colony, and the slave or slaves so to be purchased with the said money as aforesaid; or in case of no such purchase being made, then the said money in the hands of the said Secretary and Registrar, shall be the property of the persons who were the owners or proprietors of such manumitted slave or slaves, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands of what nature or kind soever, as such slave or slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said Secretary and Registrar shall hold the said money, subject to such order as the President of the Courts of Criminal and Civil Justice of this colony may, upon a summary application of any person interested therein, see fit to make; and such money shall, by the said Secretary and Registrar, be paid, applied, and disposed of, in pursuance of and in obedience to any such order. Provided always that nothing hereinbefore contained shall extend, or be construed to extend, to entitle any slave or slaves within this colony, to purchase the freedom of himself, herself, or themselves, or of his or her wife, or

husband, or child, or brother or sister, or reputed wife, or husband, or child, or brother or sister, without the consent of his, her, or their owner or owners, unless it shall be made to appear to the satisfaction of the Protector or Deputy Protector of Slaves (as the case may be), that the money wherewith such slave or slaves may propose to purchase his, her, or their freedom as aforesaid, arises from the earnings of his, her, or their own honest industry, or has been bequeathed unto him, her, or them, by last will and testament, or acquired by legal or testamentary succession; and also that sufficient proof has been exhibited unto him, the said Protector or Deputy Protector of Slaves (as the case may be), that such slave or slaves has or have conducted himself, herself, or themselves, honestly and faithfully for the period of five years then next preceding such application for manumission: And provided also, that nothing hereinbefore contained shall extend, or be construed to extend, to entitle any such slave or slaves to purchase his, her, or their freedom as aforesaid, where the slave or slaves proposed to be manumitted shall have been convicted of larceny, or shall have suffered corporal punishment under the sentence of any Court of competent jurisdiction within the period of seven years next preceding his, her, or their application for manumission as aforesaid.

35. And it is hereby further ordered, that every Clergyman of the Established Church of England and Ireland, and every Minister of the Dutch Reformed Church, and Lutheran Church, and of the Kirk of Scotland, and every Priest or Minister professing the Roman Catholic Religion, in this colony, and every other person being a Licensed Teacher of Religion within this colony, shall, and is hereby authorised and required to deliver or transmit to the Protector or Deputy Protector of Slaves (as the case may be), at his office in New-Amsterdam, or to the Assistant Protector of Slaves of the districts in which they may be resident, certificates setting forth the names or name, and places or place of abode, of any slaves or slave who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath, and the said Protector, or Deputy Protector, and Assistant Protectors of Slaves in the several districts of the colony, shall, and are hereby required to register the same in a book to be kept by him or them for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, and of every slave mentioned and included therein:—Provided, nevertheless, that no Priest, or Minister, or Licensed Teacher of Religion, not being a Clergyman of the Church of England and Ireland, or Minister of the Dutch Reformed Church, or Lutheran Church, or of the Kirk of Scotland, or of the Roman Catholic Religion, shall be competent to grant any such certificate as aforesaid, unless His Majesty's Principal Secretary of State for the colonies, or the Lieutenant Governor or Acting Lieutenant Governor for the time being of this colony, shall have granted to such Priest, Minister, or Licensed Teacher, a licence in writing to act as an instructor of slaves in this colony; and unless such licence shall be in force and have been first registered at the office of the said Protector or Deputy Protector of Slaves (as the case may be): Provided always that nothing herein contained shall extend, or be construed to extend, to prevent or abridge the undoubted power of the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, to suspend or take away any such licence until His Majesty's pleasure shall be known.

36. And it is further ordered, that no person shall henceforth be rejected as a witness, or considered incompetent to give evidence in any Court of Criminal or Civil Justice in this colony, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness, shall produce and exhibit to the Court a certificate under the hand of the said Protector or Deputy Protector (as the case may be), that such proposed witness is registered in the before-mentioned book; and the said Protector or Deputy Protector (as the case may be), shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact whether any such proposed witness is or is not registered in the said book: Provided, nevertheless, that no person being in a state of slavery, shall be admitted to give evidence in any case where any white, or other person of free condition, may be charged with or prosecuted for any offence punishable with death:—Provided always that nothing herein contained shall extend to take away or diminish any power or authority which the Court of Criminal Justice of this colony now hath to admit in any case, the evidence of persons being in a state of slavery—Provided also that nothing herein contained shall extend, or be construed to extend, to render any slave a competent witness in any case in which such slave would be incompetent to give evidence if he or she were of free condition.

37. And it is hereby further ordered, that the Salary of the Protector or Deputy Protector of Slaves (as the case may be), shall by him be taken in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever, and that if the said Protector or Deputy Protector of Slaves (as the case may be), shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than his said salary, for or in respect of any act, matter, or thing done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such this office.

38. And it is hereby further ordered, that the said Protector or Deputy Protector of Slaves (as the case may be), shall on the first day of January, 1827, and on the first day of March, and on the first day of September, in the same year, and on the first day of March and first day of September in every succeeding year, deliver to the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, particulars of all returns which, by virtue of this Order, may have been made to him by the Assistant Protectors of Slaves in the several districts of the colony, with a report in writing, exhibiting an exact account of the manner in which the duties of his office shall have been performed, during the periods respectively embraced by those returns, and especially stating the number of actions, suits, and prosecutions, in which he may have acted as the Protector or Deputy Protector (as the case may be) of any slave or slaves, during the said periods respectively, with the dates and effect of all the proceedings therein, and the names of the persons (if any) against whom he may have instituted any criminal prosecution, or have instituted any suits or actions at law in any of the respective Courts of Justice in this colony, for or in behalf of any slave or slaves, under and by virtue of this Order, together with the amount of the sums of money deposited in the Savings Bank in this colony; and the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, shall thereupon administer to the said Protector or Deputy Protector of Slaves (as the case may be), an oath that such report contains a true and accurate statement of the several matters and things therein referred to; and when, and so soon as, the said Protector or Deputy Protector of Slaves (as the case may be), shall have made his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before the said Lieutenant Governor, or Acting Lieutenant Governor, shall issue to the said Protector or Deputy Protector of Slaves (as the case may be), a warrant upon the Receiver General of this colony, for the amount of his salary for the half-yearly period embraced by those returns; and the Lieutenant Governor, or Acting Lieutenant Governor, for the time being, shall be, and he is hereby required by the first convenient opportunity to transmit such report to His Majesty's Principal Secretary of State for the colonies.—And it is hereby further ordered, that if the Protector or Deputy Protector of Slaves (as the case may be), or any Assistant Protector of Slaves, shall wilfully and fraudulently make, or cause to be made, any erasure or interlineation in any of the books, records, or returns aforesaid, or shall wilfully falsify or cause to be falsified such document, or burn, cancel, or obliterate the same, the person or persons so offending, shall incur such penalty or imprisonment as shall be imposed at the discretion of the Court of Criminal Justice of this colony; and if such person be the Protector or Deputy Protector of Slaves, he shall moreover be thereby disqualified from holding his office.

39. And it is hereby further ordered, that all Acts declared by this Ordinance to be misdemeanors, shall be heard, tried, and enquired of, before the Court of Criminal Justice of this colony at the instance of the Fiscal; and that all the pecuniary fines and penalties hereinbefore imposed shall be recovered in the Court of Civil Justice of this colony, by the said Fiscal, in the usual and ordinary manner as in the case of other Fiscal actions. Provided that all the prosecutions for misdemeanors and actions for pecuniary fines and penalties under this act shall be commenced within twelve months next after the commission of the offence; and the information and proceeding thereon before a person properly authorised, shall be deemed and be taken to be a commencement of such prosecution.

40. And it is hereby further ordered, that all fines and forfeitures recovered under the several provisions of these regulations shall be divided and paid in the manner following, that is to say, one half to the Fiscal of the colony, and the other half to be paid into the Colonial Chest.

41. And it is hereby further ordered, that if any person shall be twice convicted of ni-

flicting upon any slave any cruel and unlawful punishment, the person so convicted before the Court of Criminal Justice of this colony, shall thereby incur double the penalties hereinbefore provided for such offence; and he or she shall moreover be declared by the Court of Criminal Justice absolutely incapable to have the management or superintendence of any slave or slaves within this colony; and if the person so convicted shall be the owner or proprietor of slaves, such slaves, together with the estate to which they may be attached, shall be placed in the hands of two or more Curators, to be appointed by the Court of Civil Justice, upon the application of the Protector, or Deputy Protector of Slaves, made to such Court for such purpose, who shall administer and manage the same, under the same regulations heretofore in such cases existing, and be accountable in the same manner as all other Curators appointed by the Court of Civil Justice now are. Provided, however, that nothing herein contained shall prevent such owner or proprietor from inspecting the accounts to be kept by the Curators so appointed, and from receiving and using for his or her own benefit, the clear revenue arising from such slaves and estate to which they may be attached, in such manner as he or she would have been entitled to the same if no appointment of such Curators had taken place. Provided also that nothing herein contained shall extend, or be construed to extend, to prevent the owner or proprietor of such slaves or estate from selling or disposing of the same in like manner as would have been lawful in case no such Curators had been appointed.

42. And it is further ordered, that with every person having the charge of a task or working gang exceeding six in number, and upon every estate throughout this colony, there shall be carefully kept and preserved a Copy of this Ordinance, to which access may at all times be immediately had, under a penalty, in case of neglect or default, of *five hundred guilders*, to be incurred and paid by the owner or proprietor of such estate and task or working gang as aforesaid.

43. And it is hereby further ordered, that all Laws and Ordinances of this colony, in any wise repugnant to the several provisions, matters, and things hereinbefore expressed or contained, shall be, and the same are hereby repealed and declared to be null, void, and of no effect.

44. And it is hereby further ordered, that this Ordinance shall take effect on, and be in full force from and after, the First day of November next ensuing the date hereof.

And that no ignorance of this Ordinance may be pleaded, these Presents shall be published in the Gazette of this colony, and Copies sent round to each and every Estate and Plantation therein, for general information.

Thus done and Enacted in Council of Government, held at the King's House, Berbice, this Twenty-fifth Day of September, in the Year of our Lord One Thousand Eight Hundred and Twenty-six:—Present, His Excellency the LIEUTENANT-GOVERNOR, *and the Honorable Members* WILLIAM SCOTT, CHARLES KYTE, WILLIAM CAMPBELL, JAMES CULLEY, T. A. JONES, *and* J. S. USHER.

By Command,

F. WHITE, *Deputy Secretary.*

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1. Protector's Salary £1,250—payable out of the ordinary Revenues—Oath of Office.
2. Protector to keep an Office in New-Amsterdam—Books and Papers to be kept in such Office, and not elsewhere.
3. Protector not to be interested in any Plantation, Slaves, or Mortgage—not to act as Manager, Overseer, Agent, or Attorney, &c. of any Estate—not to act as the Guardian, Trustee, or Executor, of any person interested in Slave property. In case of Protector acquiring Slave property in his own right, or in right of his wife, to forfeit his office.
4. Protector not to leave the Colony without a Licence—Leave of absence not to exceed three months.
5. Governor to fill up Vacancy in the office of Protector—no person to act as Deputy Protector who cannot act as Principal—certain exceptions—Protector to do the duty in person.
6. Protector to be a Magistrate throughout the Colony, with the same power (as regards the Slave Population) as is exercised by the Civil Magistrates in their respective Districts.
7. Civil Magistrates to be Assistant Protectors of Slaves in their respective Districts.
8. President of the Court of Criminal Justice to appoint Advocates to defend Slaves prosecuted criminally—such Advocates to be paid Taxed Costs, out of the Colonial Chest—Protector empowered to prosecute Actions at Law in behalf of Slaves—in Civil Suits where Slaves are parties, notice to be given to the Protector.
9. Slaves not to be worked between sun-set on Saturday and sun-rise on Monday—Slaves not to leave the Estate on Sunday without permission—Weekly Allowance may be served out to Slaves on Sunday, previous to Eight o'clock, A.M.—certain exceptions as to domestics, preservation of cattle, &c. nurses, watchmen, &c. prevention of fires, &c. boiling off and potting Sugar, turning and drying Coffee and Cotton—the labour of picking, turning, and drying Coffee and Cotton to be paid for in the current money of the Colony—Rate of wages to be fixed by Protector, subject to the approbation of the Governor in Council—parties refusing to pay Slaves for picking Coffee and Cotton on Sundays to be fined.
10. No person to hire the Slave of another to work, without Owner's consent—persons unlawfully hiring Slaves to be fined £600, or suffer imprisonment.
11. Sunday Markets to be closed at Eleven o'clock, A.M.—Goods exposed for sale after that time to be forfeited.
12. No person to carry, or authorise the carrying, of a whip in the field, as a badge of authority, or as a stimulus to labour, after the 1st of November, 1826, under a penalty of £600, or imprisonment.
13. Punishment of Male Slaves not to exceed twenty-five lashes, and to be inflicted in presence of a free witness or of six slaves, at or near the buildings, under a penalty of £900—or in case of non-payment, imprisonment not exceeding six months.
14. No Female Slave to be punished by flogging after the 1st November, 1826, under a penalty of £1400, or imprisonment not exceeding six months—punishments substituted for the whip—Female Slaves under 12 years of age, to be punished the same as children at school, any indecent exposure of the person to be avoided—cognizance taken of extraordinary offences by Civil Magistrates.
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16. Proprietors of task gangs or estates to make Returns of all punishments, on oath, twice a-year to the Civil Magistrates, under a penalty of £300.
17. Magistrates, as such Assistant Protectors of Slaves, to transmit the Returns and Affidavits made to them, to the Protector of Slaves in the months of February and August each year.
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22. Owners to supply Slaves with the customary allowance of food and clothing, under the penalty therein provided—Estates to have one acre of provisions planted for every five Slaves—or in lieu thereof, when found inadequate, to purchase a sufficient supply.
23. Field work of Slaves to be from six o'clock in the morning to six in the evening, allowing two hours during that period for rest and meals, under a penalty of £300.
24. Owners of Estates to employ legally qualified Medical Practitioners, and to furnish sick slaves with what may be requisite—every Estate to have a Hospital with proper conveniences, under a penalty of £600—a Book or Register kept in the hospitals—treatment of sick to be entered therein by the Medical Attendant, under a penalty of £22 for each offence.
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28. A Savings Bank to be established under the direction of the Protector of Slaves, subject to the superintendence of the Governor and Council of Government.
29. No tax or fee to be paid on manumissions—persons taking any fee in respect to manumissions, to be fined not exceeding £1000, nor less than £100.
30. Owners desirous of manumitting a Slave, to give notice in writing to the Protector of Slaves, who is to fix the amount of deposit or security, in cases where necessary—deposits to be paid to the Treasurer of the Poor's Fund—Protector to give public notice of intended manumission, and in case of opposition (which is to be tried de plano) to defend the Slave—Protector to enrol manumissions in

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37. Salary of Protector of Slaves to be in full and in lieu of all fees—Protector taking fees to be fined double the amount, and disqualified from holding his office.
38. Protector to deliver Returns and a Report on the 1st January, 1827; and afterwards half-yearly to the Governor, on oath, and then to receive a warrant for his salary—Governor to transmit Report and Returns to His Majesty's Government—Protector or Assistant Protector of Slaves wilfully or fraudulently altering, &c. Returns, to be fined and imprisoned; and if the Protector, to lose his Office.
39. Misdemeanors under this Act to be tried before the Court of Criminal Justice by the Fiscal—Fines and Penalties to be recovered in the Court of Civil Justice by the Fiscal—Actions to be commenced within twelve months.
40. Fines to be paid, one-half to the Fiscal, and one-half to the Colonial Chest.
41. A person twice convicted under this Act, liable to double penalties, and not to be allowed to manage Slaves—if a proprietor, curators to be appointed to manage his estate in the usual manner.
42. All Managers of estates or task gangs to have a copy of this Ordinance, under a penalty of *f* 500.
43. All Laws and Ordinances repugnant to this Act repealed.
44. This Act to be in force from and after the 1st November, 1826.

W. Schulz and Co. Government Printers, New-Amsterdam, Berbice.